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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/588,807	08/07/2006	Alain Colin	6003.1075	2793
23280	7590	09/01/2010	EXAMINER	
Davidson, Davidson & Kappel, LLC 485 7th Avenue 14th Floor New York, NY 10018			BANH, DAVID H	
			ART UNIT	PAPER NUMBER
			2854	
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			09/01/2010	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/588,807	COLIN ET AL.	
	Examiner	Art Unit	
	DAVID BANH	2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 June 2010.
 2a) This action is **FINAL**. 2b) This action is non-final.
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 11 and 13-20 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) Claim(s) _____ is/are allowed.
 6) Claim(s) 11 and 13-20 is/are rejected.
 7) Claim(s) _____ is/are objected to.
 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>5/21/2010</u> . | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

Response to Arguments

1. In view of the Appeal Brief filed on June 15, 2010, PROSECUTION IS HEREBY REOPENED. A new ground of rejection is set forth below.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37. The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:

2. Applicant's arguments with respect to claims 11 and 13-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

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(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 11 and 13-20 are rejected under 35 U.S.C. 102(b) as being anticipated by Eckelmeyer (US Patent 4,271,379).

Two interpretations of Eckelmeyer teach all of the claims 11 and 13-20, the first interpretation applicable to claims 11, 13 and 15, where both interpretations are applicable to claims 17, 19 and 20.

For claim 11: Eckelmeyer, in a first interpretation, teaches rotary element of a printing press **10, 32** (see Fig. 1, the printing unit **10** and the feeding rollers **32** together are rotary elements of a press which can be considered a single rotary element of the printing press being Fig. 1 generally) comprising an encoder **52** for generating a periodic first signal in response to rotation of the rotary element **18, 25** (see column 3, lines 28-40 and Fig. 1, the rotary element **10** comprises rollers **16, 18, 20, 22**, at least roller **18** of the rotary element **10** being driven by the motor **25** and press line shaft **24**, and the motor **25** position and thus also the roller **18** position is given by a pulsed signal by encoder **52**) and an evaluation unit **56** linked to the encoder **52** (see Fig. 1 and Fig. 2, and column 3, lines 58-62) having at least one synthesizer **74** for generating a second signal having a resolution ratio, a frequency ratio, and a phase relation to the first signal (see column 4, lines 20-32, the signal of the synthesizer **74** is based on the first signal by encoder **52** and therefore has a resolution ratio, and a frequency ratio and a phase relation to the first signal), and a control interface **62, 64, 66, 68** for data exchange coupled to the at least one synthesizer **74** for setting at least one of the resolution ratio, the frequency ratio and the phase relation of the first signal to the

second signal based on data input by a user (see Fig. 2, thumbwheel switch **90** is a user input, which determines the division factor, which influences the control comparator, which would influence the output signal) and transmitted to the synthesizer (see Fig. 2, the input data which determines the division factor, influences the information received by the synthesizer by affecting the intermediate elements between them).

For claim 13: Eckelmeyer, in the first interpretation, teaches the rotary element as recited in claim 11 wherein the evaluation unit **56** includes at least one output interface **76**, the output interface **76** outputting the second signal for driving a clock-pulse-controlled device **50** (see column 4, lines 25-31, the output interface takes the second signal from synthesizer **74** and converts it and outputs it to control the motor **50** which is thus a clock-pulse-controlled device as its speed is controlled by a signal).

For claim 15: Eckelmeyer, in the first interpretation, teaches the rotary element as recited in claim 11 wherein the evaluation unit **56** includes at least one divider device **80** connected upstream of the synthesizer for reducing a resolution of the first signal in a decoded state (see column 4, lines 35-45, the divider **80** is shown, and in Fig. 2, shown upstream of the synthesizer in the evaluation unit).

The second interpretation is applicable to claims 11, 14, 16 and 18, where both interpretations are applicable to claims 17, 19 and 20.

For claim 11: Eckelmeyer, in the second interpretation, teaches rotary element of a printing press **10, 32** (see Fig. 1, the printing unit **10** and the feeding rollers **32** together are rotary elements of a press which can be considered a single rotary element

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of the printing press being Fig. 1 generally) comprising an encoder **52** for generating a periodic first signal in response to rotation of the rotary element **10, 18** (see column 3, lines 28-40, the roller **18** of the element **10** is driven with the motor **25** and the press line shaft **24** and the motor **25** position is given by a pulsed signal by encoder **52**, which as it is tied directly to the roller **18** thus gives the position of the roller **18**) and an evaluation unit **56** linked to the encoder **52** (see Fig. 1 and Fig. 2, and column 3, lines 58-62, the evaluation unit can be considered to include the encoder **54**) having at least one synthesizer **54, 84** (see Fig. 2, the encoder **54** and signal multiplier **84** together generate a waveform and thus are a synthesizer or generator for the second signal) for generating a second signal having a resolution ratio, a frequency ratio, and a phase relation to the first signal (see column 3, lines 35-40 and column 4, lines 45-55, the signal of the synthesizer **54, 84** has a resolution ratio relative to the first, the latter is 256 pulses per rotation, while the former is 504 pulses per rotation as see in Fig. 4, lines 32-35, a frequency ratio relative to the first, dependent on the relative speeds of the rollers, and the divider **84** and a phase relation to the first signal, primarily dependent on the relative roller speeds after proper control by the multiplier and divider **82, 84**), and a control interface **90** for data exchange coupled to the at least one synthesizer **54, 84** for setting at least one of the resolution ratio, the frequency ratio and the phase relation of the first signal to the second signal based on data input by a user (see column 5, lines 34-40, thumbwheel switch **90** is a user input, which determines the division factor, determining the frequency ratio of the two signals to be equal when the roller speeds are equal) and transmitted to the synthesizer (see Fig. 2, the input from switch **90** is

received by the divider element **84**, which synthesizes the second signal to be inputted to the phase compare **60**).

For claim 14: Eckelmeyer, in the second interpretation, teaches the rotary element as recited in claim 11 wherein the resolution of the second signal is smaller than the resolution of the first signal (see column 4, lines 32-35, the resolution of 256 pulses per rotation is smaller than 504 pulses per rotation).

For claim 16: Eckelmeyer, in the second interpretation, teaches the rotary element as recited in claim 11 wherein the first and second signals are both signal pulses (see column 4, lines 32-35).

For claim 18: Eckelmeyer, in the second interpretation, teaches the rotary element as recited in claim 11 wherein the evaluation unit **56** includes a further synthesizer **76** for generating a further signal (see Fig. 2, the signal applied to motor **50**), the further signal having a further resolution ratio, frequency ratio, and phase relation to the first signal, and at least one of the further resolution ratio or further frequency ratio or phase relation being different from the resolution ratio, frequency ratio or phase relation of the second signal (see paragraph 20-32, the second synthesizer generates a signal for controlling the motor; any two signal will have a ratio of resolutions, a ratio of frequencies and a relative phase; however, even if the signal for controlling the motor is based on pulses determining the motor speed, the third signal is capable of being distinct from the second signal, and thus have a different phase than the second signal, since it is a corrective signal for the driving of the motor **50**).

Claims 17, 19 and 20 are applicable to Eckelmeyer in either interpretation.

For claim 17: Eckelmeyer teaches the rotary element as recited in claim 11 wherein the rotary element is a roller **10, 18** (see Fig. 1, the rollers **16, 18, 20, 22** among others are part of the rotary element **10**).

For claim 19: Eckelmeyer teaches a folding apparatus of a rotary offset press comprising at least one rotary element as recited in claim 11 (see Fig. 1, the rollers **25, 34** can be considered feeding rollers of the folding apparatus **14** and thus be considered part of the folding apparatus, wherein the rollers **25, 34** are rotary elements are recited in claim 11).

For claim 20: Eckelmeyer teaches an offset press comprising at least one rotary element as recited in claim 11 (see Fig. 1, the rotary element are the rollers as part of the press seen in Fig. 1).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to DAVID BANH whose telephone number is (571)270-3851. The examiner can normally be reached on M-F 9:30AM - 8PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Judy Nguyen can be reached on (571)272-2258. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DHB

/Judy Nguyen/
Supervisory Patent Examiner, Art Unit 2854